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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/551,393	06/30/2006	Masanori Omote	450100-05036	3343
7590 William S Frommer Frommer Lawrence & Haug 745 Fifth Avenue New York, NY 10151			EXAMINER TRAN, KHOI H	
			ART UNIT 3664	PAPER NUMBER
			MAIL DATE 07/23/2010	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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JUL 22 2010

William S. Frommer
Frommer, Lawrence & Haug
745 Fifth Avenue
New York, NY 10151

In re Application of	:	DECISION ON PETITION
Masanori Omote	:	TO RE-MAIL AND RESTART
Application No. 10/551,393	:	RESPONSE PERIOD FOR
Filed: June 30, 2006	:	NON-RECEIVED OFFICE ACTION
For: ROBOT DEVICE, INFORMATION		
PROCESSING METHOD, AND PROGRAM		

This is in response to applicant's request for reconsideration, filed in the USPTO on June 25, 2010, of the dismissal of applicant's petition to Re-mail and Reset a Period for Reply Due to non-receipt.

The petition is **DISMISSED**.

There is a strong presumption that an Office action properly addressed and delivered to the United States Postal Services, was in fact delivered to the addressee. An allegation that the Office action was not received must be supported by a showing that it was not received.

The showing required to establish non-receipt of an Office action must include all of the following requirements:

- (1) A statement from the practitioner stating the Office action was not received by the practitioner;
- (2) A statement attesting to the fact that a search of the file jacket and docket records indicates that the Office action was not received; and
- (3) A copy of the docket record where the non-received Office action would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

The docket records indicated above must include a copy of the list of all responses in the practitioner's office with the due date at and around May 5, 2010. See Notice entitled "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 O.G.53 (November 16, 1993).

Applicant's petition was dismissed because it failed to include a copy of the docket record where the non-received Office action would have been entered had it been received and docketed. The submitted log of incoming mail does not qualify as a copy of the above required docket record.

In the renewed petition, petitioner sets forth the detailed procedure in the docket system used by the practitioner. However, this still fails to satisfy requirement (3) above.


MPEP 711.03(c) sets forth that

A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question. < (emphasis added)

Petitioner has failed to include a copy of the master docket, as required by MPEP 711.03(c). Petitioner has included "a log of all incoming mail from the Patent and Trademark Office with a mailing date of February 5, 2010." This mail log is insufficient without a statement from practitioner stating that no such master docket exists, as set forth in MPEP 711.03(c).

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.181."

Inquiries related to this decision may be directed to Teri Luu, Quality Assurance Specialist, at (571) 272-7045



Katherine Matecki, Director
Patent Technology Center 3600
(571) 272-5250

KM/tl: 07/19/10

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